

**HESLIN ROTHENBERG FARLEY & MESITI P.C.**

Robert E. Heslin  
Jeff Rothenberg  
Kevin P. Radigan  
Susan E. Farley  
Nicholas Mesiti  
Philip E. Hansen\*  
Blanche E. Schiller  
Wayne F. Reinke  
David P. Miranda

\*Patent Agent

**INTELLECTUAL PROPERTY LAW**

PATENTS • TRADEMARKS • COPYRIGHTS

**RECEIVED  
CENTRAL FAX CENTER**

NOV 04 2004

Attorneys at Law  
5 Columbia Circle  
Albany, New York 12203  
Telephone: (518) 452-5600  
Facsimile: (518) 452-5579  
www.hrfmlaw.com

Kathy Smith Dias  
Mary Louise Gioeni  
David A. Pascarella  
Victor A. Cardona  
Lee Palmateer  
John Pietrangelo\*  
Brett M. Hutton  
Stephen M. Hladik  
Edward Timmer  
Alana M. Fuierer

Martha L. Boden  
Jill M. Breedlove  
Of Counsel

**CONFIDENTIALITY NOTICE**

THE PAGES COMPRISING THIS FACSIMILE TRANSMISSION CONTAIN CONFIDENTIAL INFORMATION FROM HESLIN ROTHENBERG FARLEY & MESITI P.C. THIS INFORMATION IS INTENDED SOLELY FOR USE BY THE INDIVIDUAL ENTITY NAMED AS THE RECIPIENT HEREOF. IF YOU ARE NOT THE INTENDED RECIPIENT, BE AWARE THAT ANY DISCLOSURE, COPYING, DISTRIBUTION, OR USE OF THE CONTENTS OF THIS TRANSMISSION IS PROHIBITED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE NOTIFY US BY TELEPHONE IMMEDIATELY.

November 4, 2004

**VIA FACSIMILE**

NO. OF PAGES: 2

**TO:** Ms. Susan Ford  
U.S. Patent & Trademark Office  
Washington, D.C. 20231

Fax No.: (703) 872-9306

**FROM:** Kevin P. Radigan, Esq.  
HESLIN ROTHENBERG FARLEY & MESITI P.C.  
5 Columbia Circle  
Albany, New York 12203

Fax No.: (518) 452-5579

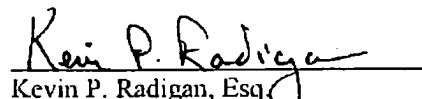
**Re:** Copy of Notice of Appeal (Originally filed July 2, 2004)  
Serial No.: 09/443,202  
Filing Date: 11/18/1999

Dear Ms. Ford:

Thank you for your voice mail message of November 4, 2004, regarding the above-identified U.S. Patent Application. In accordance with your request, attached herewith is a copy of the Notice of Appeal originally submitted to the U.S. Patent and Trademark Office on July 2, 2004, as evidenced by the executed Certificate of Mailing. Please enter this Notice of Appeal in accordance with standard U.S. Patent and Trademark Office practice, and proceed with the processing of the subsequent Appeal Brief (timely filed on August 31, 2004), as indicated in your voice mail message.

Should you have any questions, or require additional documentation regarding this matter and/or this application, please do not hesitate to contact me at the telephone number provided above.

Respectfully submitted,

  
Kevin P. Radigan, Esq.  
Attorney for Applicants  
Registration No.: 31,789

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES (Large Entity)						Docket No. EN999058
In Re Application Of: Doolittle et al.						CENTRAL FAX CENTER NOV 04 2004
Application No. 09/443,202	Filing Date 11/18/1999	Examiner Stephan F. Willett	Customer No. 23405	Group Art Unit 2141	Confirmation No. 6901	
Invention: METHOD, SYSTEM AND PROGRAM PRODUCTS FOR MANAGING THREAD POOLS OF A COMPUTING ENVIRONMENT TO AVOID DEADLOCK SITUATIONS BY DYNAMICALLY ALTERING ELIGIBLE THREAD POOLS						
<u>COMMISSIONER FOR PATENTS:</u>						
Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated April 5, 2004 finally rejecting Claim(s) 1, 3-4, 9-11, 14-18, 21-22, 27, 29-30, 35-37, 40-44, 47-48, 53-56, 58, 60-61, 66-68, 70-75, and 78-79.						
The fee for this Notice of Appeal is: \$330.00						
CONFIRMATION COPY						
<input type="checkbox"/> A check in the amount of the fee is enclosed.						
<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.						
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 09-0457 (IBM)						
<u>Blanche E. Schiller</u> Signature			Dated: July 2, 2004			
Blanche E. Schiller, Esq. Registration No.: 35,670 HESLIN ROTHENBERG FARLEY & MESITI, P.C. 5 Columbia Circle Albany, New York 12203 Tel: (518) 452-5600 Fax: (518) 452-5579			<div>I certify that this document and fee is being deposited on July 2, 2004 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22312-1450.</div> <div><u>Staci D. Johnson</u> Signature of Person Mailing Correspondence</div> <div>Staci D. Johnson Typed or Printed Name of Person Mailing Correspondence</div>			
cc:						